

AMENDED IN SENATE JANUARY 19, 2005

AMENDED IN SENATE JANUARY 14, 2005

SENATE BILL

No. 25

Introduced by Senators Ackerman and Perata

December 7, 2004

An act to add Section 89510.5 to, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 25, as amended, Ackerman. Political Reform Act of 1974.

(1) Existing provisions of the Political Reform Act of 1974 require a candidate for elective office to establish a campaign contribution account in a financial institution within this state, into which all contributions shall be deposited, except as specified. The act provides that all contributions deposited into the campaign account shall be deemed held in trust for expenses associated with election of the candidate or for expenses associated with holding office.

This bill would require that a contribution solicited in writing by a candidate for elective state office or his or her committee identify the candidate or committee soliciting the contribution or the specific term of elective state office for which the contribution is being solicited, or both, and if any contribution is received in response to that written solicitation, it shall be rebuttably presumed to be made to that candidate or committee or for that specific term. It would state that this provision is declaratory of existing law.

(2) Existing provisions of the act require certain candidates and committees to file campaign statements in connection with a statewide

direct primary election held in March, as well as in June, of an even-numbered year, as specified. State law, effective January 1, 2005, requires that the statewide primary election be held in June of an even-numbered year (Ch. 817, Stats. 2004).

This bill would repeal provisions of the act requiring the filing of campaign statements in connection with a statewide direct primary election held in March of an even-numbered year.

(3) Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate certain provisions of this bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

(6) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89510.5 is added to the Government
2 Code, to read:
3 89510.5. (a) A contribution solicited in writing by a
4 candidate for elective state office or his or her committee shall
5 identify the candidate or committee soliciting the contribution or
6 the specific term of elective state office for which the
7 contribution is being solicited, or both, and if any contribution is
8 received in response to that written solicitation, there shall be a
9 rebuttable presumption that the contribution was made to that
10 candidate or committee or for that specific term.

1 (b) The Legislature finds and declares that subdivision (a) is
2 declaratory of existing law.

3 SEC. 2. Section 84200.3 of the Government Code is repealed.

4 SEC. 3. Section 84200.4 of the Government Code is repealed.

5 SEC. 4. The Legislature finds that there is no mandate
6 contained in this act that will result in costs incurred by a local
7 agency or school district for a new program or higher level of
8 service which require reimbursement pursuant to Section 6 of
9 Article XIII B of the California Constitution and Part 7
10 (commencing with Section 17500) of Division 4 of Title 2 of the
11 Government Code.

12 SEC. 5. The Legislature finds and declares that the provisions
13 of this act further the purposes of the Political Reform Act of
14 1974 within the meaning of subdivision (a) of Section 81012 of
15 the Government Code.

16 *SEC. 6. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety*
18 *within the meaning of Article IV of the Constitution and shall go*
19 *into immediate effect. The facts constituting the necessity are:*

20 *To clarify existing law regarding contributions to political*
21 *candidates and the filing of campaign statements, it is necessary*
22 *that this act take effect immediately.*

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25 **All matter omitted in this version of the bill**
26 **appears in the bill as introduced in Senate,**
27 **December 7, 2004 (JR11)**
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